

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2004-016149-001 DT

06/11/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

APRIL ARLENE SPONSEL
LAURA M RECKART

v.

ROBERT PAUL HILL (001)

JAIME C HINDMARCH

APO-PLEAS-CCC
DISPOSITION CLERK-CSC
EXHIBITS-CCC
VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY EIGHT

10:05 a.m. The jury is present in the jury room and resumes its deliberations from June 10, 2008.

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|-----------------------|---------------------------------------|
| State's Attorney: | April A. Sponsel and Laura M. Reckart |
| Defendant's Attorney: | Jaime C. Hindmarch |
| Defendant: | Present |
| Court Reporter: | Gail Ferguson |

10:40 a.m. The jury is present.

A supplemental Jury Instructions is read to the jury.

Supplemental closing argument is presented.

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11:07 a.m. Court stands at recess.

11:15 a.m. The jury resumes deliberations.

11:59 a.m. Court reconvenes. April Sponsel appears on behalf of the State. Defendant is present with counsel, Jaime Hindmarch.

Court Reporter Gail Ferguson is present.

The jury is present in the jury box and by the presiding juror returns into court its verdict, which is read and recorded by the clerk and is as follows:

Count 1

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “aggravated assault” on Louis Hendershot on April 29,2004, as follows (check only one):

_____Not Guilty

___X___Guilty

We, the jury, find that the defendant (check only one):

___X___did commit a dangerous offense.

_____did not commit a dangerous offense.

Presiding Juror
Juror No. 13.”

Count 2

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “aggravated assault” on Louis Hendershot on April 29,2004, as follows (check only one):

_____Not Guilty

___X___Guilty

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We, the jury, find that the defendant (check only one):

 X did commit a dangerous offense.

 did not commit a dangerous offense.

Presiding Juror
Juror No. 13.”

Count 3

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “aggravated assault” on Robert Bowden on April 29,2004, as follows (check only one):

 X Not Guilty

 Guilty

Presiding Juror
Juror No. 13.”

Count 4

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “unlawful flight from a pursuing law enforcement vehicle” on April 29, 2004, as follows (check only one):

 Not Guilty

 X Guilty

Presiding Juror
Juror No. 13.”

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Count 5

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “theft of means of transportation” on April 29, 2004, as follows (check only one): Can not agree.

Presiding Juror
Juror No. 13.”

Count 6

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “burglary in the first degree” on or between April 29 and 30, 2004, as follows (check only one):

 X Not Guilty

 Guilty

Presiding Juror
Juror No. 13.”

Count 7

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “aggravated assault” on Connie Vale on April 30, 2004, as follows (check only one):

 Not Guilty

 X Guilty

We, the jury, find that the defendant (check only one):

 X did commit a dangerous offense.

 did not commit a dangerous offense.

Presiding Juror
Juror No. 13.”

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Count 8

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “attempted sexual assault” against Connie Vale on April 30, 2004, as follows (check only one): Unable to agree.

Presiding Juror
Juror No. 13.”

Count 9

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “armed robbery” of Connie Vale on April 30, 2004, as follows (check only one):

_____ Not Guilty

___X___ Guilty

We, the jury, find that the defendant (check only one):

___X___ did commit a dangerous offense.

___ did not commit a dangerous offense.

Presiding Juror
Juror No. 13.”

Count 10

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “theft of means of transportation” on April 30, 2004, as follows (check only one):

_____ Not Guilty

___X___ Guilty

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Presiding Juror
Juror No. 13.”

Count 11

“We, the Jury, duly empanelled and sworn in the above-entitled action, upon our oaths, do find the Defendant, Robert Paul Hill, on the charge of “unlawful flight from a pursuing law enforcement vehicle” on April 30, 2004, as follows (check only one):

 Not Guilty

 X Guilty

Presiding Juror
Juror No. 13.”

At the request of State, the jury is polled and each juror replies that these are his or her true verdicts.

The jury is advised that they must decide on alleged aggravating factors.

12:06 p.m. The jury leaves the courtroom. Court remains in session.

Procedural issues are discussed.

The Court is advised that Defendant wishes to waive a jury trial on aggravating factors.

The Court reviews with Defendant his right to have a jury decide the aggravating factors. Defendant states that he understands his rights and wishes to try the aggravating factors to the Court.

IT IS HEREBY ORDERED setting trial on the aggravating factors, trial on priors and sentencing for July 14, 2008 at 8:30 a.m. in this division.

Based on the findings of the jury,

IT IS HEREBY ORDERED entering a judgment of acquittal as to Counts 3 and 6.

In the interests of justice, the Court enters a mistrial as to Counts 5 and 8.

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12:20 p.m. Court stands at recess.

1:41 p.m. Court reconvenes. April Sponsel appears on behalf of the State. Defendant is present with counsel, Jaime Hindmarch.

Court Reporter Gail Ferguson is present.

The jury is advised that Defendant has waived his right to a jury trial on the aggravating factors. The jury is thanked by the Court and excused from further consideration of this cause.

The Court finds that Defendant's waiver of a jury trial on the aggravating factors was knowingly, intelligently and voluntarily made, and the waiver is accepted.

IT IS HEREBY ORDERED that Defendant be held non-bondable pursuant to Rule 7.2.

IT IS FURTHER ORDERED that a presentence investigation and report be made and submitted to the Court by July 14, 2008.

IT IS FURTHER ORDERED setting a Status Conference on June 26, 2008 at 8:30 a.m. At that time, the State will advise the Court whether it intends to retry Counts 5 and 8.

Pursuant to the Verdict entered, and there being no further need to retain the exhibits not offered in evidence in the custody of the Clerk of Court,

IT IS ORDERED that the Clerk permanently release all exhibits not offered in evidence to the counsel/party causing them to be marked or their written designee. Counsel/party or written designee shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibit Department of the Clerk's Office. The Court's exhibit tag must remain intact on all refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee take immediate possession of all exhibits referenced above.

FILED: Supplemental Jury Instructions; Jury Note(s); Verdict(s); Exhibit Worksheet; Trial Worksheet.

ISSUED: Presentence Report Request; Order of Confinement.

1:47 p.m. Trial concludes.